

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In Re: : Case No. 10-61720  
  
Kimberly A. Triplett :  
: Chapter 13  
: Debtor. : Judge John E. Hoffman Jr.

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Kimberly A. Triplett  
5376 Wellston Court  
Dublin, OH 43017

Plaintiff,

Adv. Pro. No. 14-02323

v.

OWNIT Mortgage Solutions, Inc.  
c/o HSBC Bank USA, National Association, as Trustee for OWNIT Mortgage Loan  
Trust, Mortgage Loan Asset Back Certificates, Series 2005-5, Its Successors and/or  
Assigns  
c/o CT Corporation System—*Registered Agent*  
4701 Cox Road, Suite 301  
Glen Allen, VA 23060

And

Real Time Resolutions, Inc. c/o Litton Loans  
c/o CT Corporation System—*Registered Agent*  
1300 E. 9<sup>th</sup> Street, Suite 1010  
Cleveland, OH 44114

Defendants.

**MOTION FOR DEFAULT JUDGMENT IN FAVOR OF PLAINTIFF AND  
AGAINST DEFENDANTS OWNIT MORTGAGE SOLUTIONS, INC. AND REAL  
TIME RESOLUTIONS, INC.**

Now comes the Debtor Plaintiff, Kimberly A. Triplett, by and through counsel and hereby requests, pursuant to Rule 7055 of the Rules of Bankruptcy Procedure, that Judgment by Default be entered against the Defendants OWNIT Mortgage Solutions, Inc. and Real Time Resolutions, Inc. as more fully set forth in the memorandum below.

Respectfully Submitted,  
JUMP LEGAL GROUP, LLC

/s/ Katherine B. Brewer  
Katherine B. Brewer (0087822)  
W. Mark Jump (0062837)  
Attorneys for The Chapter 13 Estate of  
Kimberly A. Triplett  
2130 Arlington Ave.  
Columbus, Ohio 43221  
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**MEMORANDUM IN SUPPORT**

Plaintiff filed a Complaint against Defendants OWNIT Mortgage Solutions, Inc. c/o HSBC Bank USA, National Association, as Trustee for OWNIT Mortgage Loan Trust, Mortgage Loan Asset Back Certificates, Series 2005-5, Its Successors and/or Assigns (hereafter "OWNIT") and Real Time Resolutions, Inc. c/o Litton Loans (hereafter "Real Time Resolutions, Inc.") on December 2, 2014. Amended summons and certificates of service were filed on December 3, 2014 to correct a deficiency with the originally filed summons and Defendants were each properly served a copy of the Complaint via ordinary mail on December 3, 2014. The first mortgage lender, HSBC Bank USA, NA, filed an Answer to the Complaint, but only to state, inter alia, that it holds the first lien on the Real Property. However, as of this date, the Defendants have failed to answer, plead, appear or otherwise defend the Complaint, though duly served (see attached Affidavit as Exhibit "A").

Pursuant to Rule 7055 of the Rules of Bankruptcy Procedure, "when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the court shall enter the parties default". Plaintiff is entitled to default judgment against Defendants since Defendants have failed to plead or otherwise answer the Complaint.

WHEREFORE, Plaintiff respectfully requests this Court find the Defendant, OWNIT, in default and enter judgment that the mortgage of OWNIT, as serviced by Defendant Real Time Resolutions, Inc., which is recorded at Instrument Number 2005 08030156043 of the Franklin County Recorder's Official Records be found to be avoided

and that the Court order the mortgage to be released and forever discharged against the real property 5376 Wellston Court, Dublin, Ohio 43017 more fully described as parcel number 273-004181 as there is insufficient equity in the real estate to deem the mortgage in favor of OWNIT and Real Time Resolutions, Inc. as secured.

Respectfully Submitted,  
JUMP LEGAL GROUP, LLC

/s/ Katherine B. Brewer  
Katherine B. Brewer (0087822)  
W. Mark Jump (0062837)  
Attorneys for The Chapter 13 Estate of  
Kimberly A. Triplett  
2130 Arlington Ave.  
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**NOTICE OF FILING OF MOTION FOR DEFAULT**

Katherine B. Brewer, on behalf of Debtor, has filed papers with the court to obtain a Default Judgment on an Adversary Complaint.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion**, you just file with the court a response explaining your position by mailing your response by regular U.S. Mail to Clerk of Courts, US Bankruptcy Court Southern District of Ohio, 170 North High Street, Columbus, Ohio 43215 OR your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the above date.

You must also send a copy of your response either by 1) the courts ECF System or by 2) regular U.S. Mail to Katherine B. Brewer, 2130 Arlington Avenue, Columbus, Ohio 43221 and to all other parties listed on the Certificate of Service included with this motion.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing *Motion for Default Judgment In Favor of Plaintiff and Against Defendants OWNIT and Real Time Resolutions, Inc.* was served this the 19th day of January, 2015, by ordinary mail, electronically or via certified mail as permitted by the rules on the parties whose names and addresses are listed below.

/s/ Katherine B. Brewer  
Katherine B. Brewer (0087822)  
W. Mark Jump (0062837)

**SERVED ELECTRONICALLY:**

Katherine B. Brewer, on behalf of Plaintiffs/Debtors

W. Mark Jump, on behalf of Plaintiffs/Debtors

James S. Wertheim, on behalf of Defendant/Creditor OWNIT Mortgage Solutions, Inc.

**SERVED VIA REGULAR US MAIL:**

U.S. Trustee  
170 N. High Street, Suite 200  
Columbus, Ohio 43215

Faye D. English  
Chapter 13 Trustee  
10 W. Broad Street, Suite 900  
Columbus, OH 43215

OWNIT Mortgage Solutions, Inc.  
c/o HSBC Bank USA, NA  
c/o CT Corporation System  
4701 Cox Rd, Ste 301  
Glen Allen, VA 23060  
*Registered Agent*

OWNIT Mortgage Solutions, Inc.  
c/o HSBC Bank USA, NA  
Edward A. Bailey  
30455 Solon Rd  
Solon, OH 44139  
*Attorney of Record in Lead BK Case*

Real Time Resolutions, Inc.  
Agent for Litton Loans  
1750 Regal Row, Ste 120  
Dallas, TX 75235  
*Defendant*

Real Time Resolutions, Inc.  
c/o CT Corporation System  
1300 E. 9th St., Ste 1010  
Cleveland, OH 44114  
*Registered Agent*

**SERVED VIA CERTIFIED MAIL:**

OWNIT Mortgage Solutions, Inc.  
c/o HSBC Bank USA, NA  
Attn: Irene Dorner  
1800 Tysons Blvd.  
McLean, VA 22102  
*Officer of Defendant*